HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 5576 (S/S) year 2001

Murari Prasad and others

Versus

State of U.P. and others

Approved for reporting.

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~~Not approved for reporting~~

Date of decision. 05.12.2003

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No.5576(S/S) 2001
(Old No. 33931/1997)

Murari Prasad and others …. Petitioner

VS

State of U.P. and others …. Respondents

Counsel for the petitioners Shri B.B. Mandhyan

Dated:- 5-12-2003

Hon'ble Rajesh Tandon, J.

Rule, Respondents waive service. Both the parties agreed that the writ petition may be decided finally.

By the present writ petition the petitioner has prayed for the following reliefs: -

(1) Issue a writ, order or direction in the nature of certiorari quashing the advertisement dated 20-9-97.

(2) Issue a writ, order or direction in the nature of mandamus commanding respondent no. 3 not to hold any interview/ selection of any candidate in pursuance of the advertisement dated 20-9-97.

Brief facts giving rise to the present writ petition are that in pursuance of the advertisement dated 22-2-1997, the petitioners applied for being considered for the post of Assistant Teachers in Basic Schools.

The petitioners have stated in paragraph 12 of the writ petition as under:-

<u>Paragraph- 12</u> " That surprisingly respondent no. 3 has issued fresh advertisement on 20-9-97 inviting application for appointment as Assistant Teachers in Basis School . However, now only the candidates who are B.T.C have been invited and 14-10-97 is the date fixed for interview. It is also mentioned in that advertisement that earlier proceedings of selection held before issuing this notification stand cancelled. Photostat copy of the advertisement as published in the newspaper dated 20-9-1997 is annexed herewith and is marked as Annexure 6 to this petition."

Writ Petition has been filed for a direction to hold interview upon selection as well as for quashing the advertisement dt.20-9-1997.

On 14-10-1997 following order was passed by Hon'ble Mr Justice Sudhir Narain J.

"Notice on behalf of respondent NO.1 has been accepted by learned Standing Counsel . Notice on behalf of respondents no.2 and 3 has been accepted by Sri. A.K. Singh Advocate. They pray for and are granted three weeks time to file counter affidavit. Petitioners shall file rejoinder affidavit within one month thereafter. List this petition for admission in the week commencing 5th January 1998.

The version of the petitioners is that they have applied for selection on the post of Assistant Teachers and they were selected, but they are not being given appointments. In case, petitioners have been selected, they shall be considered for appointments in respect of any future vacancy and appointments made in pursuance of the impugned advertisement shall be subject to the decision of the writ petition."

In terms of the interim order dated 14-10-97 as stated aforesaid the writ petition is disposed of at the admission stage.

However, the petitioner will be considered in respect of any future vacancy arises in pursuance of the order dated 14-10-97.

The writ petition is disposed of accordingly.

05-12-2003 **(Rajesh Tandon, J.)**

Mohit